

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1248
Judiciary

(Delegate Washington)

Judicial Proceedings

Public Safety - Police Officer - Data Collection and Reporting

This bill requires, by March 1, 2022, and each March 1 thereafter, each local law enforcement agency to report to the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) specified information on each use of force incident, for the previous calendar year, involving a police officer employed by the law enforcement agency that resulted in a monetary settlement or judgment against the law enforcement agency. GOCPYVS must (1) adopt procedures for the collection and analysis of the required information; (2) by June 30 each year, compile and submit an annual report on the required information to the General Assembly; and (3) annually post the required report to its website.

Fiscal Summary

State Effect: GOCPYVS can likely handle the bill’s requirements with existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: Since it is assumed that the bill applies to a limited number of cases each year, local finances are likely not materially affected.

Small Business Effect: None.

Analysis

Current Law: The Local Government Tort Claims Act (LGTCA) defines local government to include counties, municipal corporations, Baltimore City, and various agencies and authorities of local governments such as community colleges, county public

libraries, special taxing districts, nonprofit community service corporations, sanitary districts, housing authorities, and commercial district management authorities. It further establishes that the local government is liable for the tortious acts or omissions of its employees acting within the scope of employment. Thus, LGTCA prevents local governments from asserting a common law claim of governmental immunity from liability for such acts or omissions of its employees.

Pursuant to Chapter 131 of 2015, for causes of action arising on or after October 1, 2015, LGTCA limits the liability of a local government to \$400,000 per individual claim and \$800,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts).

State Expenditures: GOCPYVS advises that a full-time staff person is needed to fulfill the bill's information collection and reporting requirements; however, the Department of Legislative Services (DLS) disagrees. DLS advises that GOCPYVS can likely handle the bill's requirements with existing budgeted resources, as it is assumed that the bill applies to a limited number of cases each year.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford, Montgomery, and Wicomico counties; City of College Park; Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

Fiscal Note History: rh/lgc
First Reader - February 18, 2021
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